

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 23-1818-MWF Date: July 20, 2023

Title In Re Debtor Allana Baroni, et al.

Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge

Rita Sanchez
Deputy Clerk

Not Reported
Court Reporter / Recorder

Attorneys Present for Plaintiffs:
Not Present

Attorneys Present for Defendants:
Not Present

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE

The Notice of Appeal was filed on March 10, 2023. (Docket No. 1). On April 20, 2023, the Court filed a Notice Re: Bankruptcy Record Complete (the “Notice”). (Docket No. 24). Pursuant to the Notice, Appellants’ Opening Brief and Excerpts of Record were due May 22, 2023.

On June 28, 2023, this Court issued its Order of Damages and Sanctions Against Mr. Baroni and Mr. Antognini (“Sanctions Order”) based on the frivolous nature of the emergency stay request filed in this appeal on March 14, 2023. (Sanctions Order (Docket No. 25)). Because the Sanctions Order concluded that the underlying appeal is frivolous, and because the necessary documents had not been timely filed, the Court indicated that it would issue an Order to Show Cause why this appeal should not be dismissed if a voluntary dismissal was not filed by **July 17, 2023**. (*See id.* at 2).

The Court had hoped that Appellant and counsel would take the opportunity to act reasonably and voluntarily dismiss this appeal following the filing of the Sanctions Order. Unfortunately, no voluntary dismissal has been filed by the deadline and Appellant has still failed to file the Opening Brief. Instead, counsel filed a “Status of Compliance” (on the wrong docket, see Case No. 23-1812-MWF, Docket No. 17), indicating that Appellant and counsel have complied with the Sanctions Order but intend to appeal it. Further, counsel asks the Court to set a

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briefing schedule because he believes the appeal is not moot in light of new precedent. However, the improperly filed Status of Compliance neither attempts to justify the already-missed deadlines nor address why the appeal is not frivolous in light of all of the reasons stated in the Sanctions Order, which do not concern mootness. Therefore, the Court will not set a briefing schedule based on the Status of Compliance.

Instead, the Court **ORDERS** Appellants to **SHOW CAUSE** (“OSC”) why this action should not be dismissed for lack of prosecution and as frivolous.

Appellants may discharge this OSC by filing their Opening Brief or a voluntary dismissal by no later than **July 31, 2023**.

Given the dilatory history of Appellant and counsel, failure to file the Opening Brief or voluntary dismissal by **July 31, 2023**, will result in **automatic dismissal** of this appeal. *See* Fed. R. Bankr. P. 8018(a)(4) (“If an appellant fails to file a brief on time . . . the district court . . . after notice, may dismiss the appeal on its own motion.”).

Further, this OSC serves as **NOTICE** to Appellants that any future failure to meet any deadline imposed by statute or this Court will result in automatic dismissal of this appeal without further notice.

No oral argument on this matter will be heard unless otherwise ordered by the Court. *See* Fed. R. Civ. P. 78; Local Rule 7-15.

IT IS SO ORDERED.